

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**
DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

NOV 02 2018

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

Dinghui (Rick) Fong
(Print your full name)

Plaintiff *pro se*,

v.

Meggitt polymers & Composites

(Print full name of each defendant; an
employer is usually the defendant)

Defendant(s).

CIVIL ACTION FILE NO.

1:18-CV-5083

(to be assigned by Clerk)

PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM

Claims and Jurisdiction

1. This employment discrimination lawsuit is brought under (check only those that apply):



Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

NOTE: To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").

✓

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

NOTE: To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.

✓

Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

NOTE: To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.

Other (describe) _____

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

3. **Plaintiff.** Print your full name and mailing address below:

Name Dinghui (Rick) Fong
Address 1543 W. Morelos St,
Chandler, AZ 85224

4. **Defendant(s).** Print below the name and address of each defendant listed on page 1 of this form:

Name Meggitt Polymers & Composites
Address 669 Goodyear Ave
Rockmart, GA 30153

Name _____
Address _____

Name _____
Address _____

Location and Time

5. If the alleged discriminatory conduct occurred at a location different from the address provided for defendant(s), state where that discrimination occurred:

N/A

6. When did the alleged discrimination occur? (State date or time period)

Administrative Procedures

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? ☒ Yes ☐ No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

☒ Yes ☐ No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

9. If you are suing for **age discrimination**, check one of the following:

☒ 60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

☐ Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

____ Yes

____ No

☒ Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

N/A

11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

____ Yes

____ No

☒ Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

N/A

Nature of the Case

12. The conduct complained about in this lawsuit involves (check only those that apply):

☐ failure to hire me
☐ failure to promote me
☐ demotion
☐ reduction in my wages
☒ working under terms and conditions of employment that differed from similarly situated employees
☒ harassment
☒ retaliation
☒ termination of my employment
☒ failure to accommodate my disability
☐ other (please specify) _____

13. I believe that I was discriminated against because of (check only those that apply):

☒ my race or color, which is Asian
☒ my religion, which is Christianity
☐ my sex (gender), which is ☐ male ☐ female
☐ my national origin, which is _____
☒ my age (my date of birth is 01/28/1958 (60))
☒ my disability or perceived disability, which is:

Diabetes

☐ my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation

☐ other (please specify) _____

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

I was employed by Meggitt Polymers & Composites on
Aug 19, 2014 as a Compounding Specialist in material dept. Within 8 months of
my employment, I had solved 7-8 most challenging projects which earned both
internal & external Customer's praises (e.g. Pratt and Whitney^{12/2014}) including our headquarter
in UK. the Lab manager David Sykes told me "you did a good job". Things were
fine until I completed a huge project of developing polyurethane polymers
for aerospace applications which outperformed the best material out in the global
market and again been told by the V.P in UK headquarter (Mr. Phil H.) that
"Rick, good work"^{10/2016} and at the end of meeting said the 2nd time "very good work, Rick".
My manager Mr. Lovell Y was also in the^{US & UK} conference call, Unfortunately, he didn't
seem to be happy or proud of the accomplishment, because Mr. Lovell Y told
me "I will put you in performance improvement program (PIP)" in the very
next week after the praise given by the V.P in UK headquarter (Mr. Phil H.).

Things started to change tremendously or I may call it unbelievably
by three folds 1) more and more material engineers Left Company, 4 out of 6 (~70%)
2) I was given their jobs Left behind, meaning I was working on 3 other
engineers' daily functions & ^{the} unresolvable projects in the past 10 years which
all Lab tech & engineers said "We have all tried but failed for years..."
3) I could do nothing right after I received praise from U.K headquarter
(hostility/retaliation)
 (Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

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(Cont'd)

In the meantime, my diabetes' blood sugar went up very significantly to an alarming level on the daily basis regardlessly I had been mentioning to my manager Mr. Lovell Y that we need to hire more mat'l engineers because my diabetes is getting worse and worse, and I told him that every 1 or 2 months frequently, but Mr. Lovell Y ignored my medical condition every time.

With huge work load and ^{4 engineers' job} daily blamings & reprimands & belittling & attacks verbally or by emails, many of them done in front of all engineers and Lab techs in the department meeting or in front of other individuals (some were documented by myself or others or witnessed), my heart got worse & my body broke down on 12/13/2016 and I was admitted to Redmont Regional Hospital's Emergency Room because all my blood sugar, blood pressure and heart beat went up 2 times of normal, to a point the nurse (Ms. Cindy L.) would not keep me and call an ambulance immediately for my face turned gravely grey and I could hardly talk or walk in the Lab and office.

Unfortunately, my manager Mr. Lovell Y refused to let me "go home and see doctor" twice when every person in the product Lab saw the danger that I may fall any time for my face turned gravely grey, body language and the way I walked just wasn't the energetic Rick any more. This was documented in the attached report issued by company nurse Ms. Cindy L.

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

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(Cont'd)

(On 12/13/16) During my time in ER & Hospital stay, Mr. Lovell Y also walked in my hospital room, all the colleagues saw my heart ^{from connected instruments} beat went from 60's up to 120's (doubled) in less than 5-10 minutes. This reflected the hostility and retaliation-minded atmosphere Mr. Lovell Y brought to my room ^{even} in the hospital. There were no word of Concerning or Comfort while Mr. Lovell Y was there.

(Jan-June ²⁰¹⁷) After I came back from the 1st ER, doctor sent me to a heart surgery in Feb 2017. Things even got worse, the insults & belittlings & reprimands even turned public to a point the department Secretary ^{Mindy} came to me and said "I was praying for you (when Mr. Lovell Y) was talking to you". It was the same period of time I continued to solve difficult problems and been praised by Composites manager ^{Dave} and thanked me for solving critical production shut down in front of plant manager (V.P.). I lost 7 lbs during this period but still doing good job. people enjoy watching how effectively I solved problems.

(4/12/17) Again, unfortunately, I was admitted to the 2nd ER, because Mr. Young ^{Lovell} continued to retaliate me, even worse than before (with my diabetes & heart ^{and lost 7#} surgery). This time doctor Gill said it was peristalsis caused by stress beyond my body could bear and eventually broke down & hospitalized the 2nd time in less than 4 months. My manager still refuses to hire more engineers

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

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May-Aug 2017 By now, I already had 2 ER (heart & peristalsis) and one heart surgery and one hospital stay, still performed my overwhelming job responsibilities of 3~4 engineers functions, although I've been asking my manager Mr. Lovell Young to accomodate my medical conditions (heart, and peristalsis conditions caused by malicious intent to "break me down" out of jealousy, plus my diabetes got worse because of the same reason. Instead, Mr. Young my manager to ask everyone in dept. to come even earlier @ 7:30, which made my recovery very difficult with unreasonable demands & hostility daily.

Aug 2017 One day in August, 2017, my manager called me in office and quietly pulled out a letter of warning and accused me being tardy/lazy and this time he intended to put me in performance improvement program, and the manager did at the end.

During this period of time of 2017, Mr. Lovell Young asked me to work on one project using Tonox-LC Replacement but still equally toxic and it had been banned by US Federal government in the 1980's and rejected by Company's Safety & Health department which was documented in email. Mr. Young asked me to send out to the 3rd party lab for heavy loads of testing (50~100 times), yet, it was becoming my job to test all the testing with my hands that all the tech in the lab were afraid of it. He had endangered my life @ work.
(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

Aug-Dec 2017 So, my working life was full of hostility, retaliations, reprimands, passed on guilts, threatening with my heart fearful all the times without being giving the time to accomplish. 3-4 engineers combined job, during my medical recovery. Mr. Lovell Young refused to give me any accommodation for my disability of diabetes which caused ^{1st} ER admission ^{2/2017} and abnormal high stress work schedules that my body could not bear which caused ^{4/2017} 2nd ER and hospital stay. Unfortunately, I went through near death experience because my heart wasn't ready for immediate and abnormal high stress work during my recovery from heart surgery, ^{2/2017} it appears the my manager not only refuse to accommodate my disability but also wanted use my medical conditions as an opportunity to "Break me down totally (die?)". All the evidences inductively indicated that all of these were well designed malicious personal attacks, especially when I was physically weakest and still during my recovery. The records and evidences and witnesses are available to testify what I have written.

Conclusion: Is it true a manager has responsibility to keep employees safe, but not to endanger their life in work place? In this case, my manager did exactly opposite, he had use my medical conditions (disability) to terminate me on 1/8/2018 in a malicious way that difficult to express even to present time. Thanks.

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

15. Plaintiff still works for defendant(s)
 X no longer works for defendant(s) or was not hired
16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation? X Yes No

If you checked "Yes," please explain: _____

17. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a jury trial? X Yes No

Request for Relief

As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

- ✓ Defendant(s) be directed to Criminal Charges
for Mr. Lovell Young
- ✓ Money damages (list amounts) _____
- ✓ Costs and fees involved in litigating this case _____
- ✓ Such other relief as may be appropriate _____

PLEASE READ BEFORE SIGNING THIS COMPLAINT

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 1st day of November, 2018


(Signature of plaintiff *pro se*)

Dinghuei Rick Fong
(Printed name of plaintiff *pro se*)

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